

# Mitigation Monitoring Reporting Program

## Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.<sup>1</sup> The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Mitigation Monitoring Reporting Program							
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					Initials	Date	Remarks
Aesthetics							
3.1-1	If any exterior lighting is proposed, it shall be so adjusted as	Prior Issuance of Building	Verification by County of	County of Tulare			

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<sup>1</sup> Public Resource Code §21081.6

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	to deflect direct rays away from public roadways and adjacent properties.	Permit	incorporation of project design features and issuance of building permits	Planning Department			
3.1-2	The Anaerobic Digester and equipment shall be painted with muted colors, with a matte finish prior to the final inspection by the building department.	Prior Issuance of Building Permit	Verification by County of incorporation of project design features and issuance of building permits	County of Tulare Planning Department			
<b>Air Quality</b>							
3.3-1	The applicant shall obtain all required permits from the Air District prior to implementing any elements of the proposed Project.	Prior to issuance of grading permits		County of Tulare Planning Department			
<b>Cultural Resources</b>							
3.5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the	Prior to issuance of grading permits  Ongoing monitoring during subsurface	Retention of professional archeologist/ongoing monitoring/submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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	features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the County.	excavation					
3.5-2	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project	Prior to issuance of grading permits  Ongoing monitoring	Retention of professional archeologist and Native American Representative /ongoing	Department of Planning and Building in consultation with			

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Harvest Power Project

Mitigation Monitoring Reporting Program						
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<p>construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> <li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li> <li>b. If the coroner determines the</li> </ol> </li> </ol>	during subsurface excavation	monitoring/submittal of Report of Findings, if applicable	archaeologist and Native American representative			

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Harvest Power Project

Mitigation Monitoring Reporting Program						
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						<p>remains to be Native American:</p> <p>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</p> <p>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</p> <p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or</p>

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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	disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or  2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.  a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to						

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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	<p>make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						
3.5-3	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	Retention of professional paleontologist/ ongoing monitoring/submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department			

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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	clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.						
<b>Geology &amp; Soils</b>							
3.6-1	The project shall incorporate all recommendations contained within the Preliminary Soil and Geology Phase 1 Study. These	During project site design, construction, and operations,	Incorporation of all recommendations contained within	County of Tulare Planning and Public			



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Harvest Power Project

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	recommendations shall be stipulated in the construction contracts and specifications.	to reduce any potential geotechnical hazards at the project site	the Preliminary Soil and Geology Phase 1 Study	Works Department			
<b>Hazards and Hazardous Materials</b>							
3.8-1	Hazardous Materials Business Plan from Environmental Health – Under the California Health Chapters 4 & 4.5, the facility is required to submit a business plan to Certified Unified Program Agency (CUPA). Environmental Health as the CUPA for Tulare County, requires a business plan for threshold quantities of: <ul style="list-style-type: none"> <li>• 55 gallon of a liquid</li> <li>• 500 pounds of solids</li> <li>• 200 cubic yards of compressed gas</li> </ul>	Prior to Occupancy	Submittal and verification of Hazardous Materials Business Plan, if required.	County of Tulare Planning and Public Works Department and TCEHSD(CUPA)			
3.8-2	If more than 10,000 pounds of methane is produced in the process, the applicant is required to submit an application for a California Accidental Release Prevention (CalARP)/Risk Management Plan. The applicant	Prior to Issuance of Building Permits	If necessary, submit an application for a California Accidental Release Prevention	County of Tulare Planning Works Department and TCEHSD			

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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	shall immediately contact the Certified Unified Program Agency's (CUPA) inspector and notify the CalARP and submit an application.		(CalARP)/Risk Management Plan	(CUPA)			
3.8-3	If the facility has/or proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector.	Prior to Issuance of Building Permits	If necessary, submit <u>prepare a Spill Prevention Control and Countermeasure (SPCC)</u>	County of Tulare Planning and Public Works Department and TCEHSD (CUPA)			
3.8-4	The applicant shall conduct additional soils testing prior to construction of the digester and/or the expansion of the composing activities, as recommended by the Klienfelder, Phase 1 report.	Prior to Issuance of Building Permits	Additional soil testing.	County of Tulare Building Inspection			

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Harvest Power Project

Mitigation Monitoring Reporting Program							
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Hydrology & Water Quality							
3.9-1	The applicant shall receive all required permits from the RWQCB and the State Water Board prior to the issuance of building permits.	Prior to Issuance of Building Permits	Verification of receipt (either letter or email) that the appropriate permit or lack of need for a Report of Waste Discharge permit has been acknowledged by the Central Valley RWQCB.	County of Tulare Planning and Public Works Department and TCEHSD			
3.9-2	The proposed Project shall comply with any new regulations brought by the RWQCB and/or the State Water Board. This includes, but is not limited to, regulations pertaining to the General Tentative Composting Order No. Dwq-2012-Xxxx for composting facilities.	Prior to Issuance of Building Permits	Verification of receipt (either letter or email) that the appropriate permit or lack of need for a Report of Waste Discharge permit has been acknowledged by the Central Valley RWQCB.	County of Tulare Planning and Public Works Department and TCEHSD			

Draft Environmental Impact Report  
Harvest Power Project

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3.9-3	The applicant shall prepare and submit a SWPPP to Tulare County prior to the issuance of a building permit. This SWPPP shall be implemented and retain on site as part of business operations.	Prior to Issuance of Building Permits	Approval of SWPPP by Public Works.	County of Tulare Planning and Public Works Department, Public Works Department, and TCEHSD			
3.9-4	That any tanks or basin lining be designed to RWQCB standards and approved by TCEHSD prior to the issuance of a building permit.	Prior to Issuance of Building Permits	Approval of Piping plan by TCEHSD	County of Tulare Planning and Public Works Department, Public Works Department, and TCEHSD			
3.9-5	That any piping be reviewed and approved by the TCEHSD to verify that the contents will not pollute the groundwater.	Prior to Issuance of Building Permits	Approval of Piping plan by TCEHSD	County of Tulare Planning Works Department, Public			

Draft Environmental Impact Report  
Harvest Power Project

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				Works Department, and TCEHSD			
3.9-6	The drainage system, including the berms, and the retention pond and drainage swale facilities shall be designed, and the plans stamped by a registered Professional Engineer, of whom must be registered and/or licensed in California, and have professional knowledge and experience in the field of on site drainage and detention facility design. The specifications and engineering data for the drainage system and detention facilities shall be submitted to the Public Works Department and TCEHSD for review and approval prior to the issuance of a building permit.	Prior to Issuance of Building Permits	Verification of receipt (either letter or email) that the appropriate permit or lack of need for a Report of Waste Discharge permit has been acknowledged by the Central Valley RWQCB.	County of Tulare Planning, Pubic Works Department, and TCEHSD			
<b>Land Use and Planning</b>							
3.10-1	The composting and anaerobic digester operator shall adhere to all conditions of approval (COA's) noted in the Use Permits for the	Prior to Issuance of Building Permits	Letter of Compliance with all COA from both Special Use	County of Tulare Planning Department			

Draft Environmental Impact Report  
Harvest Power Project

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	composting expansion and the anaerobic digester.		Permits for this Project.				
<b>Public Services</b>							
3.14-1	Applicant shall provide an all weather access road to the site and any buildings affected by the Special Use Permit.						
3.14-2	Applicant shall submit plans for any new construction, remodeling, alterations, or building additions. All new construction shall meet 2007 Building Code, Fire Code, Mechanical Code, Electric Code and Plumbing Code, as applicable.	Prior to Issuance of Building Permits	Submittal and Approval of 100% construction plans.	County of Tulare Pubic Works Department			
3.14-3	If proposed use constitutes a change of occupancy, the existing building(s) affected by the change of occupancy and the Special Use Permit shall comply with 2007 Building and Fire Codes and other adopted standards.	Prior to Issuance of Building Permits	Submittal and Approval of 100% construction plans.	County of Tulare Fire Department			
3.14-4	The Tulare County Fire Department shall be notified of the proposed start date of any processing, storage, or special use granted and mitigated prior to initiation of any building	Prior to Occupancy	Notification to the Fire Department of processing, storing or special use granted or mitigated.	County of Tulare Fire Department			

Draft Environmental Impact Report  
Harvest Power Project

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	operations.						
3.14-5	Violations of any of these conditions will result in Tulare County Fire Department's rescission of approval of the Special Use Permit.	Prior to Occupancy Fire Department Inspection for Violations	Inspection by Fire Department at plan check, building code approval, and prior to occupation.	County of Tulare Fire Department			
<b>Utilities and Services</b>							
3.17-1	The Project shall comply with any conditions required by the RWQCB for wastewater treatment for on-site effluent treatment in lagoons or tanks. RWQCB conditions shall be forwarded to the Tulare County Planning Branch and the Environmental Health and Human Services Agency for appropriate action.	Prior to Occupancy that any RWQCB conditions be forwarded and considered.	Notification and a consideration of RWQCB conditions.	Tulare County Planning Department and TCEHSD			
3.17-2	The Project shall be required to obtain any applicable permit from the RWQCB as appropriate.	Prior to Issuance of Building Permits	Verification of receipt (either letter or email) that the appropriate permit or lack of need for a Report of Waste	County of Tulare Planning and Public Works Department and TCEHSD			

Draft Environmental Impact Report  
Harvest Power Project

Mitigation Monitoring Reporting Program							
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			Discharge permit has been acknowledged by the Central Valley RWQCB.				
3.17-3	The Project shall include all facilities as specified by the RWQCB and/or the Tulare County Planning Branch and the Environmental Health and Human Services Agency.	Prior to Issuance of Building Permits	Verification of receipt (either letter or email) that the appropriate permit or lack of need for a Report of Waste Discharge permit has been acknowledged by the Central Valley RWQCB.	County of Tulare Planning and Public Works Department and TCEHSD			
3.17-4	The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.	Prior to Issuance of Building Permits	Approval of SWPPP by Public Works.	County of Tulare Planning and Public Works Department, Public Works Department, and			



Draft Environmental Impact Report  
Harvest Power Project

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				TCEHSD			
3.17-5	The Project's drainage facilities and grading be designed to RWQCB, Tulare County Public Works, CalRecycle and Tulare County Environmental Health Standards and approved by a certified Professional Engineer. Certification shall indicate that the Project will accommodate 100 year, 24 hour storm events in accordance with the noted Agencies standards.	Prior to Issuance of Building Permits	Approval of drainage plan	County of Tulare Planning and Public Works Department, Public Works Department, and TCEHSD			
3.17-6	The applicant shall obtain an updated Solid Waste Facility Permit (SWFP) per CCR, Title 27, Section 21570. A SWFP must be obtained prior to the issuance of building permits, the commencement of the additional composting, and the construction of the anaerobic digestion facility.	Prior to Issuance of Building Permits	Applicant shall submit a copy of the Solid Waste Facility Permit (SWFP)	County of Tulare Planning and Public Works Department and Cal Recycle local LEA: Keith Janke (559) 624-7430			
<b>Mandatory Findings of Significance</b>							
3.18-1	Update the Odor Impact	Prior to	Applicant shall	County of			

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Harvest Power Project

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	Management Plan (OIMP) required by Cal Recycle at the facility to maintain its effectiveness despite the Project's increase in the tonnage processed and differing digestion material.	Issuance of Building Permits	submit a copy OIMP	Tulare Planning and Public Works Department and Cal Recycle local LEA: Keith Janke (559) 624-7430			